

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RAMON SAUL SILVA, JR,

Plaintiff,

v.

BENJAMIN SANDERS,

Defendant.

CASE NO. 2:21-CV-472-RAJ-DWC

ORDER DENYING MOTION TO  
COMPEL

The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate Judge David W. Christel. Presently before the Court is Plaintiff Ramon Saul Silva, Jr.'s Motion to Compel Disclosure. Dkt. 24. After considering the relevant record, the Motion to Compel is denied.

On November 6, 2021, Plaintiff, who is proceeding *pro se*, filed the Motion to Compel, wherein he requests the Court order Defendant Benjamin Sanders to provide:

1. All medical kites, responses to medical kites, and medical grievances regarding Plaintiff's requests for glasses from 2018 through the present;
2. Requests for Admission that are signed under oath by Defendant Sanders; and
3. Answers to Requests for Admission 2, 9-11, and 14-16.

Dkt. 24.

1 A party may obtain discovery regarding any nonprivileged information that is relevant to  
2 any claim or defense in his or her case. Fed. R. Civ. P. 26(b)(1). Once the party seeking discovery  
3 has established the request meets this relevancy requirement, “the party opposing discovery has the  
4 burden of showing that the discovery should be prohibited, and the burden of clarifying, explaining  
5 or supporting its objections.” *Bryant v. Ochoa*, 2009 WL 1390794, at \*1 (S.D. Cal. May 14, 2009).  
6 When a party believes the responses to his discovery requests are incomplete, or contain  
7 unfounded objections, he may move the court for an order compelling disclosure. Fed. R. Civ. P.  
8 37. The movant must show he conferred, or made a good faith effort to confer, with the party  
9 opposing disclosure before seeking court intervention. *Id.*

10 Defendant argues the Motion to Compel should be denied because (1) the kites and  
11 grievances have been produced; (2) attorneys may sign requests for admission; and (3) Defendant’s  
12 response to Requests for Admission 2, 9-11, and 14-16 were proper. Dkt. 27.

13 First, Plaintiff states Defendant failed to submit all the discovery related to his kites and  
14 medical grievances. Dkt. 24. Plaintiff contends he was able to obtain additional kites and medical  
15 grievances from a public records request. *Id.* Defendant’s counsel believes Plaintiff has been  
16 provided with all response records known to Defendant. Dkt. 28, Froh Dec. Plaintiff has not  
17 provided sufficient evidence for this Court to find Defendant has failed to provide all documents  
18 within his possession. Further, it appears Plaintiff has other means for obtaining the documents he  
19 now requests from Defendant. As there is evidence showing Plaintiff received the all the requested  
20 evidence within Defendant’s possession and has other means for obtaining the information he is  
21 requesting, the Court declines to compel Defendant to produce additional, unspecified, kites and  
22 medical grievances. However, if Defendant discovers additional kites or grievances, Defendant is  
23 directed to provide those to Plaintiff at that time.  
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1 Second, Plaintiff states requests the Court compel Defendant to provide responses to the  
2 Requests for Admission that are signed under oath. Dkt. 24. Under Federal Rule of Civil Procedure  
3 36(a)(3), a written answer or objection to a request for admission must be “signed by the party or  
4 its attorney.” Defendant’s responses to Plaintiff’s Requests for Admission were signed by  
5 Defendant’s attorney. *See* Dkt. 28 at 11-18. Rule 36 allows for the responses to be signed by the  
6 attorney. The Court, therefore, finds Plaintiff’s objection to the responses to his Requests for  
7 Admission to be without merit. The Court will not order Defendant to sign, under oath, his  
8 responses to Plaintiff’s Requests for Admission.

9 Finally, Plaintiff seeks an order compelling answers to Requests for Admission 2, 9-11, and  
10 14-16. Dkt. 24. The Court finds the parties have not met and conferred regarding these specific  
11 Requests for Admission. Plaintiff provided a generalized statement saying he met and conferred  
12 with Defendant’s counsel on November 4, 2021 by telephone. Dkt. 25 at 2. Defendant’s counsel  
13 states that, to her recollection, Plaintiff did not raise specific concerns about the responses made  
14 to Requests for Admission 2, 9-11, or 14-16. Dkt. 28, *Froh Dec.*, ¶ 7. As Plaintiff has not  
15 provided specific evidence showing the parties met and conferred regarding Defendant’s  
16 responses to Requests for Admission 2, 9-11, or 14-16, the request for relief is denied.

17 The Court, however, has reviewed Defendant’s responses to Plaintiff’s Requests for  
18 Admission 2, 9-11, and 14-16. *See* Dkt. 28 at 11-18. Plaintiff contends Defendant changed the  
19 Requests for Admission to blur or confuse the issues. Dkt. 24. Plaintiff has not shown, nor does the  
20 Court find, the responses are inadequate. Therefore, had the parties met and conferred, the Court  
21 would still decline to order Defendant to provide different responses to Plaintiff’s Requests for  
22 Admission 2, 9-11, and 14-16.

1 In conclusion, the Court declines to compel Defendant to provide: (1) all medical kites,  
2 responses to medical kites, and medical grievances regarding Plaintiff's requests for glasses from  
3 2018 through the present; (2) responses to Plaintiff's Requests for Admission that are signed under  
4 oath by Defendant; and (3) different responses to Plaintiff's Requests for Admission 2, 9-11, and  
5 14-16. Therefore, Plaintiff's Motion to Compel (Dkt. 24) is denied.

6 Dated this 13th day of December, 2021.

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9 David W. Christel  
United States Magistrate Judge  
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